

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MICHAEL TOLIVER,)
)
)
Plaintiff,)
)
vs.) No. 1:14-cv-01840-JMS-DML
)
BROAD RIPPLE VILLAGE ASSOCIATION,)
INDIANAPOLIS METROPOLITAN POLICE)
DEPARTMENT,)
INDIANAPOLIS DEPARTMENT OF)
PUBLIC SAFETY - DIVISION OF)
HOMELAND SECURITY,)
TRI ENTERTAINMENT CORPORATION)
doing business as LANDSHARKS,)
NYX NIGHTCLUB,)
LATITUDE 39 GROUP, LLC,)
CITY OF INDIANAPOLIS,)
)
Defendants.)

ORDER

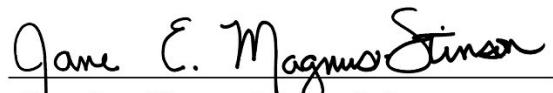
On January 15, 2015, Plaintiff filed a Second Amended Complaint in this action. [[Filing No. 24](#)]. That pleading asserts claims against multiple defendants, including Defendant Latitude 39 Group, LLC (“Latitude”). On February 17, 2015, Joshua Cossey attempted to file an Answer to Plaintiff’s Amended Complaint, [[Filing No. 19](#)], which is no longer the operative complaint in this litigation. Mr. Cossey has not entered an appearance on behalf of Latitude, and it is unclear if he is a licensed attorney.¹ [[Filing No. 35 at 6](#)] (identifying him as “General Counsel & Senior VP”

¹ Mr. Cossey signs the pleading on behalf of “Latitude 360, Inc.”, not “Latitude 39 Group, LLC”—the defendant named in the Second Amended Complaint. [[Filing No. 35 at 6](#).] If Mr. Cossey is a licensed attorney and later properly appears on behalf of Latitude, he should consult with Plaintiff’s counsel to see if they can agree on Latitude’s legal name for purposes of this lawsuit. If they agree that Latitude’s name as it currently appears on the docket should be modified, they should file a Joint Notice of Party Name Change.

but with no attorney number or state of licensure]; *see* Local Rule 83-5 (Bar Admission requirement). Latitude cannot litigate on its own behalf. *See United States v. Hagerman, 545 F.3d 579, 581-82 (7th Cir. 2008)* (holding that limited liability companies, like corporations, cannot represent themselves *pro se* in litigation).

For these reasons, the Court **STRIKES** Latitude's Answer. [[Filing No. 35.](#)] If Mr. Cossey is an attorney licensed to practice before this Court, he should file a Notice of Appearance on behalf of Latitude and then file an Answer to the Second Amended Complaint, [[Filing No. 24](#)], on Latitude's behalf. If Mr. Cossey is an attorney but is not a member of the bar of this Court, he should move for *pro hac vice* admission on behalf of Latitude pursuant to Local Rule 83-6 if he meets the requirements to do so.

02/19/2015



Hon. Jane Magnus-Stinson,
United States District Court
Southern District of Indiana

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